

APPLICANT(S): DADI, Michel  
SERIAL NO.: 10/565,114  
FILED: January 17, 2006  
Page 10

### **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### **Status of Claims**

Claims 83-119 are pending.

Claims 87-95, 99, 104 and 107-119 have been withdrawn.

Claims 83-86, 96-98, 100-103 and 105-106 have been rejected.

Claims 83 and 96 have been amended. Applicant respectfully asserts that the amendments to the claims add no new matter.

### **CLAIM REJECTIONS**

#### **35 U.S.C. § 102 Rejections**

In the Office action, the Examiner rejected claims 83-86 under 35 U.S.C. § 102(b), as being anticipated by Blacklock (US 5,695,334). Applicant respectfully traverses this rejection at least for the following reasons:

Blacklock discloses an apparatus and method for producing a permanent metal post and core adjusted angularly in order to result in a prosthesis aligned in parallel relation to surrounding teeth and prostheses. The apparatus includes a bendable post and core assembly placed in a conventional anchor. The post is bent to a precise desired angle with respect to the core, and cemented in this position. A ceramic mold is formed around the cemented post and core. The post and core, which is preferably fabricated from a synthetic organic polymer

APPLICANT(S): DADI, Michel  
SERIAL NO.: 10/565,114  
FILED: January 17, 2006  
Page 11

which melts at a temperature below 1,400 degrees F, is then heated and evacuated from the mold. A permanent post and core is then cast in the mold from a suitable material, such as gold. Optionally, a sleeve which is configured to slip over and closely conform to the post is employed, either to increase the diameter of the core prior to forming the mold, or to assist in fabricating the denture after the permanent post and core is completed.

Blacklock does not teach or suggest an amenable abutment device which includes "a prefabricated intra-implant element that fits the dental implant or the dental implant analog having a bore to screw the intra-implant element to the implant", "a prefabricated intra-crown element to be connected to the dental prosthesis " and "an intermediary connection element for connecting between the intra-crown element and the intra-implant element comprising a deformable element, said deformable element being independently adjustable at least in height and lateral position, that is used to determine a relative position of the intra implant element with respect to the intra crown element so as to facilitate forming a model abutment or a permanent abutment", as claimed in amended independent claim 83.

Furthermore, Blacklock's bendable post does not constitute a deformable element which is "adjustable in height orientation and lateral position", as claimed in amended independent claim 83.

For a reference to anticipate a claim it must teach all the elements of that claim. Therefore, Blacklock cannot anticipate amended independent claim 83. Thus, claim 83 is allowable.

Claims 84-86 depend, directly or indirectly, from amended independent claim 83, which is allowable, and are, therefore allowable too.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to amended independent claim 83 and to claims 84-86 dependent thereon.

Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 83-86.

APPLICANT(S): DADI, Michel  
SERIAL NO.: 10/565,114  
FILED: January 17, 2006  
Page 12

### **35 U.S.C. § 103 Rejections**

In the Office action, the Examiner rejected claims 96-98, 100-103 and 106 under 35 U.S.C. § 103(a), as being unpatentable over Blacklock in view of Phimmasone (US 5,658,147). Applicant respectfully traverses this rejection at least for the reasons that follow:

The above discussion of the Blacklock reference is applicable here, too.

Moreover, Phimmasone discloses a method of producing a working model for preparation of a clinical crown for attachment to an implant fixture in the mouth of a patient, in a laboratory analog, on which the crown is mounted during preparation, is formed as an assembly including a fixed sleeve and a detachable pin and wherein the crown-receiving portion of the pin element of the assembly replicates the crown-receiving portion of the implant fixture. The analog sleeve is fixedly mounted in a base segment of the model so that the analog pin bearing a crown to be prepared threadedly connected thereto can be removed from and returned to mounted installation in the model by simple sliding movement between the pin and sleeve. Also described is the resultant working model construction and the particular analog elements which also form parts of the invention.

Applicant asserts that neither Blacklock nor Phimmasone, alone or in combination, teach or suggest, a kit for preparing a dental abutment, that includes "at least one of a plurality of prefabricated intra implant elements designed to fit different dental implants having a bore to screw the intra-implant element to the implant", at least one of a plurality of prefabricated intra-crown elements, designed to be connected to different dental prostheses" and "at least one of a plurality of intermediary connection elements for connecting between the intra-crown element and the intra-implant element comprising a deformable element, said deformable element being independently adjustable at least in height and lateral position, that is used to determine a relative position of the intra implant element with respect to the intra crown element so as to facilitate forming a model abutment or a permanent abutment", as claimed in amended independent claim 96.

The combination of Blacklock and Phimmasone does not teach or suggest all the limitations of claim 96 (independent), nor does it teach or suggest all the limitations of dependent claims 97-98, 100-103 and 106, as none of them teaches or suggests "at least one of a plurality of prefabricated intra implant elements designed to fit different dental implants

APPLICANT(S): DADI, Michel  
SERIAL NO.: 10/565,114  
FILED: January 17, 2006  
Page 13

having a bore to screw the intra-implant element to the implant" or "at least one of a plurality of intermediary connection elements for connecting between the intra-crown element and the intra-implant element comprising a deformable element, said deformable element being independently adjustable at least in height and lateral position, that is used to determine a relative position of the intra implant element with respect to the intra crown element so as to facilitate forming a model abutment or a permanent abutment", as claimed in claim 96.

Accordingly, Applicant respectfully asserts that this rejection should be withdrawn.

In the Office action, the Examiner rejected claims 96-98, 100-103 and 105 under 35 U.S.C. § 103(a), as being unpatentable over Blacklock in view of Feng (US 2005/0048440). Applicant respectfully traverse this rejection at least for the reasons that follow:

The above discussion of the Blacklock reference is applicable here, too.

Feng discloses a dental implant for use in replacing a nonfunctional tooth includes an abutment and a base. The base of the implant has a topography this is substantially identical to the topography of the root of the nonfunctional tooth. Accordingly, the use of the implants eliminates the need for conventionally used bone drills and other traumatic preparing procedures for implant. The implant may be fabricated from a single piece of material so that the abutment and the base are unitary. In addition, the surface of the base may be treated to enhance post-implant bone growth to the base.

Applicant asserts that neither Blacklock nor Feng , alone or in combination, teach or suggest, "a kit" for preparing a dental abutment, that includes "at least one of a plurality of prefabricated intra implant elements designed to fit different dental implants having a bore to screw the intra-implant element to the implant", at least one of a plurality of prefabricated intra-crown elements, designed to be connected to different dental prostheses" and "at least one of a plurality of intermediary connection elements for connecting between the intra-crown element and the intra-implant element comprising a deformable element, said deformable element being independently adjustable at least in height and lateral position, that is used to determine a relative position of the intra implant element with respect to the intra crown

APPLICANT(S): DADI, Michel  
SERIAL NO.: 10/565,114  
FILED: January 17, 2006  
Page 14

element so as to facilitate forming a model abutment or a permanent abutment", as claimed in amended independent claim 96.

The combination of Blacklock and Feng does not teach or suggest all the limitations of claim 96 (independent), nor does it teach or suggest all the limitations of dependent claims 97-98, 100-103 and 105, as none of them teaches or suggests a kit with "at least one of a plurality of prefabricated intra implant elements designed to fit different dental implants having a bore to screw the intra-implant element to the implant" or "at least one of a plurality of intermediary connection elements for connecting between the intra-crown element and the intra-implant element comprising a deformable element, said deformable element being independently adjustable at least in height and lateral position, that is used to determine a relative position of the intra implant element with respect to the intra crown element so as to facilitate forming a model abutment or a permanent abutment", as claimed in claim 96.

Accordingly, Applicant respectfully asserts that this rejection should be withdrawn.

APPLICANT(S): DADI, Michel  
SERIAL NO.: 10/565,114  
FILED: January 17, 2006  
Page 15

### **Conclusion**

In view of the foregoing amendments and remarks, Applicant asserts that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

/Guy Yonay/

Guy Yonay

Attorney/Agent for Applicant(s)

Registration No. 52,388

Dated: November 3, 2009

**Pearl Cohen Zedek Latzer, LLP**

1500 Broadway, 12th Floor  
New York, New York 10036  
Tel: (646) 878-0800  
Fax: (646) 878-0801